

Exhibit 313



Deposition of:
CONF Daniel Slottje , Ph.D.

January 7, 2021

In the Matter of:
**Blue Cross Blue Shield Antitrust
Litigation/in Re**

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1 presence there is they have made it very difficult
2 for others to enter. There's not room for --

3 Q. (BY MR. STENERSON:) I think you just
4 said -- I think you just said -- but I'm not sure.
5 Let me ask. Didn't you just say that because Blue
6 Cross Blue Shield of Alabama has such large market
7 share, it is difficult for others to enter?

8 MR. BROWN: Object to form.

9 A. I said for the -- I said because of
10 their -- you know what we are doing here? We are
11 doing a very interesting thing again, which is part
12 of the problem, that my main criticism of -- and I
13 understand why you want to do this. But what you
14 are doing is you are asking me a series of
15 questions about the world as it is today.

16 And this is a problem that was one of
17 the two major criticisms that I had of Dr. Murphy.
18 In addition to his focus on the real world and
19 ignoring the real but-for world, which would have
20 happened decades ago because of a situation and
21 rules that went into effect in the 1930s, which is
22 almost now a hundred years ago, I know your side
23 wants to fight the battle and the war in the world
24 today. But that is not the appropriate
25 contemplation of where we are supposed to be

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1 talking about.

2 So when you are asking me these
3 questions about these other insurers, the real
4 question would be in a world where that elephant
5 wasn't in the room today but back in time when we
6 are supposed to be appropriately contemplating what
7 would have happened. Then I would say that
8 requires a very different discussion.

9 You want to center the discussion on
10 entry today. You have to take an historical
11 perspective to look at this thing appropriately
12 from an economic perspective. And that is my
13 main -- one of my main problems with what
14 Dr. Murphy did. And all your other experts have
15 done the same thing.

16 You are asking me about entry with
17 commercial insurers today, not what would have
18 happened absent the rules back decades ago. And
19 that is really the point.

20 MR. STENERSON: Move to strike as
21 nonresponsive.

22 Q. (BY MR. STENERSON:) How long has the
23 challenged conduct been in place, in your opinion?

24 A. Since 1937 is my best recollection
25 sitting here.

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1 yes.

2 Q. (BY MR. STENERSON:) Do you have an
3 opinion as to when any second Blue in
4 Dr. Haas-Wilson's model would have begun its entry
5 into Alabama?

6 MR. BROWN: Object to the form.

7 A. Not beyond what I've already said,
8 decades ago.

9 Q. (BY MR. STENERSON:) Anything more
10 specific than decades ago?

11 A. No.

12 Q. Certainly --

13 A. Certainly they would have --

14 MR. BROWN: Let him finish. Sorry.

15 A. Certainly they would have been there
16 before the class period began.

17 Q. (BY MR. STENERSON:) Right. And when
18 you say "certainly they would have been there,"
19 they would have begun their entry prior to 2008,
20 correct?

21 A. They would have already established
22 their foothold and have their networks up. That's
23 her but-for world, and I think it's a reasonable
24 one for reasons I've discussed with you.

25 Q. Okay. Could you pull out Slottje